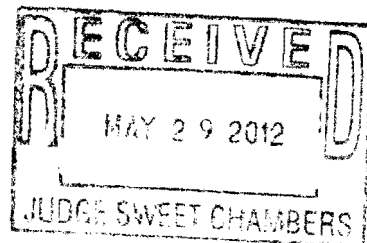


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**



**CANON INC.,**

**Plaintiff,**

**v.**

**ACECOM, INC. – SAN ANTONIO,**

**Defendant.**

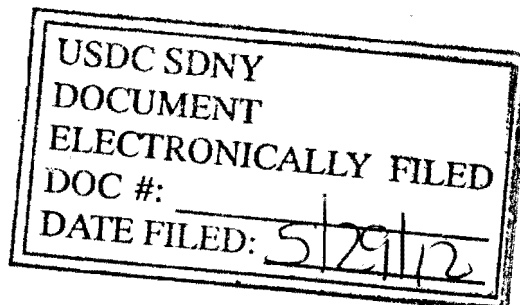
Case No.: 1:12-cv-00571-RWS

JURY TRIAL DEMANDED

**STIPULATION, CONSENT JUDGMENT AND PERMANENT INJUNCTION**

This Stipulation, Consent Judgment and Permanent Injunction ("Consent Judgment") is entered into by and between Plaintiff Canon Inc. ("Canon") and Defendant Acecom, Inc. – San Antonio d/b/a/ InkSell.com ("Acecom"), subject to approval by the Court.

WHEREAS, Canon brought this suit against Acecom for infringement of Canon's U.S. Patent Nos. 5,903,803 ("the '803 patent") and 6,128,454 ("the '454 patent") based on Acecom's unauthorized manufacture, use, importation, sale and/or offer for sale of certain toner cartridges, including but not limited to toner cartridges having the following product designations: 2612/FX9/FX10/303, 436A, 7115X, TC-X25, TH-38A/39A/42X/45A, TH-C7115X, TH-CB436A, TH-CE285A, TH-Q2612A, TH-Q7551A, TH-Q7553X, THR-C4127X, THR-C4129X and THR-C8061X ("Accused Products");



WHEREAS, Acecom wishes to conclude this litigation at Canon's initial pleading stage without contesting infringement, validity or enforceability of any claims of the '803 and '454 patents in this proceeding; and

WHEREAS, Canon and Acecom, through their respective counsel, hereby agree to entry of this Consent Judgment;

NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED AND ADJUDGED:

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code.
2. This Court has jurisdiction over Acecom and the subject matter of this action under 28 U.S.C §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).
3. Canon is the owner of all right, title and interest in and to the '803 and '454 patents.
4. Acecom does not contest, solely for purposes of this litigation, that all of the claims of the '803 and the '454 patents are valid and enforceable.
5. Acecom has used, imported, sold and/or offered for sale in the United States toner cartridges accused of infringement in this action, including but not limited to the Accused Products.

6. Effective as of the date this Consent Judgment is entered by the Court, Acecom and its subsidiaries, affiliates, officers, directors, agents, servants, employees, successors and assigns, and all other persons and organizations in active concert or participation with it, are hereby permanently enjoined and restrained from engaging in any of the following activities:

(a) making, using, selling or offering for sale in the United States, or importing into the United States, any of the Accused Products and any other toner cartridges or photosensitive drums having a portion designed to interface with a laser beam printer or other electrophotographic image forming apparatus (said portion hereinafter referred to as a "Projection") that is substantially the same as any of the Projections shown in the attached Appendix;

(b) otherwise directly infringing, contributorily infringing or inducing infringement of any of the claims of the '803 or '454 patents with respect to the Accused Products and any other toner cartridges or photosensitive drums that fall within the scope of one or more claims of either the '803 patent or the '454 patent, including without limitation any toner cartridge or photosensitive drum having a Projection that is substantially the same as any of the Projections shown in the attached Appendix; and

(c) assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) and (b) above.


7. Acecom and Canon shall bear their own costs and attorney fees.

8. This Consent Judgment constitutes a final judgment concerning the subject matter of this action as between Canon and Acecom.


9. Acecom and Canon waive any right to appeal from this Consent Judgment.

10. Upon entry of this Consent Judgment, this litigation is dismissed with prejudice, provided, however, that this Court shall retain jurisdiction to enforce the terms and provisions of this Consent Judgment.

STIPULATED AND CONSENTED TO:

By:   
Daniel A. Schnapp  
FOX ROTHSCHILD LLP  
100 Park Avenue, Suite 1500  
New York, New York 10017  
Tel: (212) 878-7960  
Fax: (212) 692-0940

Attorneys for Defendant  
Acecom, Inc. – San Antonio

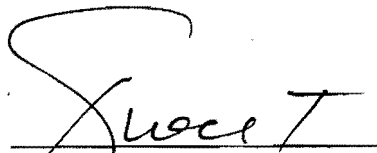
By:   
Nicholas M. Cannella (NC9543)  
Michael P. Sandonato (MS4278)  
Anna Y. Huang (AH3552)  
Robert J. Czarnecki, Jr. (RC2728)  
Michael A. Fuerch (MF1028)  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Tel: (212) 218-2100  
Fax: (212) 218-2200  
E-mail: [ncannella@fchs.com](mailto:ncannella@fchs.com),  
[msandonato@fchs.com](mailto:msandonato@fchs.com),  
[ahuang@fchs.com](mailto:ahuang@fchs.com), [rczarnecki@fchs.com](mailto:rczarnecki@fchs.com),  
[mfuerch@fchs.com](mailto:mfuerch@fchs.com)

Edmund J. Haughey  
Stephen E. Belisle  
Seth E. Boeshore  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
975 F Street, NW  
Washington, DC 20004-1462  
Tel: (202) 530-1010  
Fax: (202) 530-1055  
E-mail: [ehaughey@fchs.com](mailto:ehaughey@fchs.com),  
[sbelisle@fchs.com](mailto:sbelisle@fchs.com), [sboeshore@fchs.com](mailto:sboeshore@fchs.com)

Attorneys for Plaintiff Canon Inc.

SO ORDERED AND ADJUDGED:

Dated: May 29

  
Robert W. Sweet  
United States District Judge

APPENDIX

